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| 09/965,854  | 10/01/2001  | Kurt A. Zarefoss     | 82001-0189                         | 4038             |
| 24633   | 7590        | 04/03/2006           |                                    |                  |
| HOGAN & HARTSON LLP<br>IP GROUP, COLUMBIA SQUARE<br>555 THIRTEENTH STREET, N.W.<br>WASHINGTON, DC 20004 |             |                      | EXAMINER<br>KRISCIUNAS, LINDA MARY |                  |
|   |             |                      | ART UNIT                           | PAPER NUMBER     |
|   |             |                      | 3623                               |                  |

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,854

Applicant(s)

ZAREFOSS ET AL.

Examiner

Linda Krisciunas

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Final Office Action in response to the applicant's response filed March 7, 2006. Claims 1-80 are pending. No amendments have been made to the claims.

#### ***Inventorship***

In response to this office action, please confirm the inventorship of the instant application, examiner wishes to ensure that an inventor/co-inventor was not inadvertently omitted from the current application as the provisional application cover sheet appear to suggest an additional inventors/co-inventors not currently named as such including but not limited to: Charles Korolovich. Likewise, the non-provisional application names Lisa Carlin as an inventor who is not listed in the provisional application.

Examiner respectfully requests materials disclosing the inventor(s) contribution(s) to the instant application.

Examiner notes that if the inventorship is not consistent for the non-provisional and provisional applications, then applicant may not get the priority benefit to the filing date of the provisional application.

Lastly, the Examiner notes that in the 37 CFR 1.131 Declaration, Edward L Kennedy is claiming to be an inventor as he states, "I was a member of the team that developed the invention claimed in the application", yet he is not listed on either the provisional or non-provisional application, which raises additional issues with respect to

inventorship.

### ***Response to Arguments***

2. The Examiner has fully considered the applicant's arguments and they are deemed not persuasive. As noted in the 37 CFR 1.131 Declaration filed March 7, 2006, page 2: "the prior version only allowed collaboration between two trading partners, and the invention of the present application enabled multiple trading partners to coordinate efforts." Two is considered a multiple, in addition to the fact that enumerating the number of users is not substantially novel or non-obvious (In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)).

The Declaration filed on March 7, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Lindoerfer et al (US 2002/0069096) reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Lindoerfer reference. June 22, 2000.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Lindoerfer reference to either a constructive reduction to practice or an actual reduction to practice. Also, Attachment B does not provide sufficient evidence as to what product details are included in the attachments. There must be sufficient evidence that the claimed invention was continuously worked

on and finalized with respect to the claim limitations prior to the priority date of June 22, 2000.

The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country after the effective date of the Lindoerfer reference. The declaration states that testing was conducted from May to October 2000, which does not constitute a reduction to practice of the claimed invention prior to June 22, 2000.

The Examiner also noted some errors or discrepancies in the Declaration, namely, (a) the Lindoerfer reference has an effective filing date of June 22, 2000 not June 6, 2000; (b) Attachment A is copyrighted 1997 not 1999; (c) The Declaration notes "at that time, the product was referred to as NetWorks Collaborate or Collaborate 6.1. Was this product known by any other names? (d) The priority date for the present application is September 29, 2000 not October 1, 2000; (e) The date on Attachment B is September 18, 2000 not September 19, 2000.

In summary, the Declaration does not provide sufficient evidence to affect the rejection of the First Office Action filed November 7, 2005.

Lastly, the Examiner found Non Patent Literature, one of which: "Manugistics Aims for Rebound" by Aloire Gilbert, InformationWeek, July 19, 1999 which discloses Manugistics6, an updated version of its supply chain management suite. Should this software be that of the present application, this would constitute an on-sale bar as it was published more than one year prior to the filing of the provisional application (September 29, 2000).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 9-12, 18-20, 22, 25-28, 34-39, 42-45, 51-54, 57-58, 60, 63-65, 70-71 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindoerfer et al (US 2002/0069096) in view of Applicant's Admitted prior art NetWorks/Collaborate.

As per claim 1, 34, 54 and 70, Lindoerfer teaches storing data (paragraph 17), assigning attributes to the data (paragraph 229: "Setting the DE functionality attribute at Level 2"), creating a hierarchy based on the attributes (paragraph 227 and 229), and manipulating supply chain data by aggregating the data in accordance with the hierarchy to produce aggregated data (paragraph 233).

As per claim 2, 35 and 57, Lindoerfer teaches assigning attributes as being performed by assigning a location (paragraph 62: location code) and product attribute to the data (paragraph 229).

As per claim 3 and 36, Lindoerfer teaches assigning attributes further comprises the step of assigning a user defined attribute to the data (claim 23).

As per claim 4, 37 and 58, Lindoerfer teaches the step of creating a hierarchy is performed by ranking and placing one of the attributes into a hierarchical order

(paragraph 228: Figures 56-58, items are listed with respect to priority. Priority is deemed equivalent to ranking as it performs the identical function in substantially the same manner and produces substantially the same results.)

As per claim 5 and 38, Lindoerfer teaches the data is based on a first unit of measure and the step of manipulating the data comprises the step of converting data based on a first unit of measure to data based on a second unit of measure (claim 1: "a second application for formatting the requested supply chain data into at least one output data structure" Formatting is deemed equivalent to converting as it performs the identical function in substantially the same manner and produces substantially the same results).

As per claim 6, 22, 39 and 60, Lindoerfer teaches the step of converting the data further comprises the step of creating a conversion chain comprising a factor (paragraph 14: "The SRMS normalizes (converts it to a standard data structure within the SRMS) this data as it applies it to the DBMS thus affording all users access to this data in a single data structure regardless of its original source. ").

As per claim 9, 25 and 42, Lindoerfer teaches the step of assigning a role to a user (paragraph 119: "allows users to better understand their role in the supply chain, resulting in more efficient supply chain management. ")

As per claim 10, 26, 43 and 63, Lindoerfer teaches the role is associated with a filter (paragraph 86: "Users can cause the SRMS to extract data on demand from the DBMS 50, filter it per user requirements, and display the results as a Web page through a network server 70.")

As per claim 11, 27, 44 and 64, Lindoerfer teaches the step of selecting data by filtering data using a filter (paragraph 86: "Users can cause the SRMS to extract data on demand from the DBMS 50, filter it per user requirements, and display the results as a Web page through a network server 70.")

As per claim 12, 28, 45, 65 and 76, Lindoerfer teaches the step of filtering the data using a filter being performed by querying for data having attributes as defined by the filter (paragraph 86: "Users can cause the SRMS to extract data on demand from the DBMS 50, filter it per user requirements, and display the results as a Web page through a network server 70.") The whole purpose of using a filter is to gather data that has common attributes as defined by the filter. Lindoerfer allows the user to set the requirements of the filter which include searching by an attribute.)

As per claim 18 and 51, Lindoerfer teaches the step of electronically transmitting the data to a computer device (paragraph 86: "Users can cause the SRMS to extract data on demand from the DBMS 50, filter it per user requirements, and display the results as a Web page through a network server 70.") Data is transmitted to the server electronically.).

As per claim 19 and 52, Lindoerfer teaches the step of electronically transmitting the data to a computer device via an electronic network (paragraph 86: "Users can cause the SRMS to extract data on demand from the DBMS 50, filter it per user requirements, and display the results as a Web page through a network server 70.") A server is a computer related device and an electric network.)



As per claim 20 and 53, Lindoerfer teaches the electronic network is the internet (paragraph 86: "Users can cause the SRMS to extract data on demand from the DBMS 50, filter it per user requirements, and display the results as a Web page through a network server 70.") A Web page is viewed via the internet.).

As per claim 71, Lindoerfer teaches the step of assigning attributes is performed by assigning a location attribute (paragraph 62: location code), a product attribute (paragraph 229) and a user defined attribute to each of said planning data (claim 23).

As per claim 75, Lindoerfer teaches steps of assigning a role associated with a filter to a user (paragraph 86: "Users can cause the SRMS to extract data on demand from the DBMS 50, filter it per user requirements, and display the results as a Web page through a network server 70.") and selecting the data by filtering the data with a filter (paragraph 86: "Users can cause the SRMS to extract data on demand from the DBMS 50, filter it per user requirements, and display the results as a Web page through a network server 70.").

5. Claims 7, 13-14, 21, 23, 29-30, 40, 47, 55-56, 59, 61, 66-67, 72-73, and 77-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindoerfer in view of Applicant's Admitted prior art NetWorks/Collaborate in further view of Haverstock (US 6,301,621).

As per claim 7, 21, 23, 40, 59, 61 and 72, Lindoerfer discloses the claimed invention but does not explicitly teach converting the data. Haverstock teaches that it is known to use a step of applying a factor to the data based on a first unit of measure to data based on a second unit of measure (column 3, lines 45-57) for the benefit of

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converting data to different formats. Haverstock is an analogous art to Lindoerfer as it also teaches storage and access to a database system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the database access system of Lindoerfer with the conversion component of Haverstock since such a modification would provide the database system with a means for converting the data to allow it to be easily used and compatible with various components of the system.

As per claim 13, 29, 47, 66 and 77, Haverstock teaches creating a customized calendar based on the time period preferences ((36): schedule and calendar module). Haverstock is an analogous art to Lindoerfer as it also teaches storage and access to a database system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the database access system of Lindoerfer with the customized calendar of Haverstock since such a modification would provide a more user-friendly application.

As per claim 14, 30, 67 and 78, Haverstock teaches the step of manipulating the data which further comprises the step of organizing and incrementing the data to the customized calendar (column 5, lines 59-67 and column 6, lines 1-3). Haverstock is an analogous art to Lindoerfer as it also teaches storage and access to a database system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the database access system of Lindoerfer with the organizing component of Haverstock since such a modification would provide as easier to use calendar.

As per claim 55, Haverstock teaches the attribute, hierarchy and manipulation modules are located on a server (column 7, line 25). Haverstock is an analogous art to Lindoerfer as it also teaches storage and access to a database system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the database access system of Lindoerfer with the attribute and hierarchy components of Haverstock since such a modification would provide a means for optimizing the performance of the system.

As per claim 56, Haverstock teaches the server is in communication with users via the internet (column 3, line 26). Haverstock is an analogous art to Lindoerfer as it also teaches storage and access to a database system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the database access system of Lindoerfer with the internet feature of Haverstock since such a modification would provide a universal means for accessing the data.

As per claim 73, Haverstock teaches the planning data is based on a first unit of measure (column 3, lines 45-57) and the step of converting the data further comprises the step of creating a conversion chain comprising a factor (paragraph 83: parent/child relationships between nodes of a category hierarchy) and applying the factor to the data based on a first unit of measure to data based on a second unit of measure (column 3, lines 45-57). Haverstock is an analogous art to Lindoerfer as it also teaches storage and access to a database system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the database access system of

Lindoefer with the conversion chain component of Haverstock since such a modification would provide a means for making the information more universal.

6. Claims 8, 15-17, 24, 31-33, 41, 48-50, 62, 68-69, 74, 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindoefer in view of Applicant's Admitted prior art NetWorks/Collaborate in further view of Kennedy (US 5,930,156).

As per claim 8, 24, 41, 62 and 74, Lindoefer discloses the claimed invention, but does not explicitly state manipulating the data from different hierarchies. Kennedy teaches that it is known to manipulate data which comprises the step of allocating aggregate edits (buffer (34)) for a first hierarchical item belonging to a first tier (Figure 2) to at least two second hierarchical items belonging to tiers lower than the first tier in the hierarchy (Operation (36) and operation (44)). Kennedy is an analogous art to Lindoefer in that it also teaches using a computer network for the planning process. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the planning system of Lindoefer with the data manipulation system of Kennedy to provide a means for formatting the data for various uses.

As per claim 15, 31 and 48, Kennedy teaches the step of creating a freeze profile (column 10, line 20: date effective field). Kennedy is an analogous art to Lindoefer in that it also teaches using a computer network for the planning process. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the planning system of Lindoefer with the profile feature of Kennedy to create a more accurate means for controlling and protecting the information of the system.

As per claim 16, 32, 49 and 79, Kennedy teaches the freeze profile is defined by a freeze period (column 10, line 20: date effective field). Kennedy is an analogous art to Lindoerfer in that it also teaches using a computer network for the planning process. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the planning system of Lindoerfer with the freeze period system of Kennedy to provide a means for creating an accurate reflection of activity during a set period of time.

As per claim 17, 33, 50, 69 and 80, Kennedy teaches the step of assigning the freeze profile to the data preventing the data from being edited during the freeze period (Official notice is taken that both the concept and advantages of protecting data are well known and expected in the art. Therefore, it would have been obvious to have included a data protection system to provide a means for keeping the data protected from users of the system). Kennedy is an analogous art to Lindoerfer in that it also teaches using a computer network for the planning process. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the planning system of Lindoerfer with the freeze profile and period features of Kennedy to provide a means for protecting data and providing an accurate measure of activity during the frozen period with respect to the frozen profile.

As per claim 68, Kennedy teaches a freeze profile module creates a freeze profile, wherein the profile is defined by a freeze period (column 10, line 20: date effective field). Kennedy is an analogous art to Lindoerfer in that it also teaches using a computer network for the planning process. Therefore, it would have been obvious to

one of ordinary skill in the art at the time of the invention to modify the planning system of Lindoerfer with the freeze module system of Kennedy to provide a system that protects the data with respect to accuracy for a set period of time and profile.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches about supply chain management: "Manugistics Aims for Rebound" by Aloire Gilbert, Information Week, July 19, 1999; "Manugistics Extends partnership with ILOG for Supply Chain Management", ILOG press release, January 5, 1998; webarchive.com for consumergoods.com "CPFR Pace Picks Up" by Mark Frantz, Jan/Feb 1999; "Troubled Manugistics is not for sale", Manufacturing Computer Solutions, February 1999, vol 5, iss2; "Manugistics to extend supply chain Web" by Stannie Holt, InfoWorld, September 22, 1997, vol 19, iss 38;

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"Manugistics makes link to supply chains" by Lloyd Gray, PC Week, v14, September 8, 1997; "Manugistics Demonstrates World-Class Manufacturing Solutions at APICS '97", PR Newswire, October 27, 1997; "New Solutions for Internet-Based Supply Chain Collaboration Introduced in Manugistics NetWorks", PR Newswire, September 21, 1998; and "Software tools to revamp your supply chain" by Lisa Harrington, Transportation & Distribution, v39, n11, November 1998.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

*LMK*  
*March 29, 2006*

  
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